

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY COLE,

Plaintiff,

Case No. 20-10298
Hon. Matthew F. Leitman

v.

LINCOLN NATIONAL LIFE
INSURANCE COMPANY,

Defendant.

**ORDER (1) VACATING ORDER TO SHOW CAUSE (ECF No. 6) AND (2)
DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE**

On February 5, 2020, Plaintiff Mary Cole filed this action against Defendant Lincoln National Life Insurance Company (“Lincoln”). (*See* Compl., ECF No. 1.) Cole claimed that Lincoln had failed to pay her due and owing long-term disability benefits. (*See id.*)

On March 31, 2020, the parties jointly informed the Court that they were involved in settlement discussions, and they asked the Court to extend the time for Lincoln to respond to the Complaint until April 23, 2020. (*See* Mot., ECF No. 3.) The Court granted that extension on April 1, 2020. (*See* Order, ECF No. 4.)

Lincoln never filed a response to the Complaint, and the Court has not heard from the parties in more than a year. Accordingly, on July 1, 2021, the Court ordered Cole to show cause, by no later than July 15, 2021, why her Complaint should not

be dismissed without prejudice for failure to prosecute (the “Show Cause Order”). (See Show Cause Order, ECF No. 6.) The Court warned Cole that her failure to respond to the Show Cause Order “may result in [the] dismissal of [her] case” under Local Rule 41.2. (*Id.*)

Cole has not responded to the Show Cause Order. Nor has she contacted the Court to seek additional time to respond. Therefore, because Cole has failed to comply with the Show Cause Order and failed to prosecute her case, **IT IS HEREBY ORDERED** that (1) the Show Cause Order (ECF No. 6) is **VACATED** and (2) Cole’s Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

Dated: July 21, 2021

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 21, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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